

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DELPHINE ALLEN, et al.,
Plaintiffs,
v.
CITY OF OAKLAND, et al.,
Defendants.

MASTER CASE FILE
NO. C00-4599 TEH

ORDER REQUIRING
IDENTIFICATION OF PERSONS
RESPONSIBLE FOR CERTAIN
TASKS

On January 22, 2003, the parties' negotiated settlement agreement became an order of this Court. The agreement originally provided for a five-year term of monitoring, and the Court subsequently ordered the two-year extension contemplated by the agreement. The parties entered into a memorandum of understanding for an additional two years of continued monitoring, which became an order of the Court on November 24, 2009.

We are now approaching the halfway point of the November 2009 memorandum of understanding. It is clear from the Monitor's most recent report, the Court's assessment of that report, and the lengthy history of this case, that, although the City has made measurable progress since monitoring began in 2003, significant work remains to be done.

As this Court has repeatedly emphasized, accountability and sustainability are key components of successful implementation of the reforms to which the parties agreed over seven years ago – reforms that, again, as the Court has repeatedly emphasized, are important not simply because they are orders of the Court, but because they will help to create a more effective police department in the City of Oakland. Defendants have taken some steps to create more accountability, as reflected in the exhibit to the April 27, 2010 joint case management statement that lists, in table format, the tasks currently being monitored and individuals or groups responsible for next steps on each task. However, that table often lists more than one individual responsible for each task – for example, the Internal Affairs

1 Division command staff or, even more broadly, multiple divisions of the department. The
2 Court finds that it would be more effective and appropriate to have specific individuals
3 named as the persons responsible for each task, and to concentrate responsibility in the
4 Department's most senior command staff. While the Court understands that the actions of
5 rank-and-file officers, supervisors, and mid-level command staff are critical to ensuring that
6 reforms are implemented, responsibility and accountability must ultimately lie with the
7 Department's senior and executive leaders. It is also important for compliance efforts to be
8 monitored more regularly than once every quarter.

9 Accordingly, with good cause appearing, IT IS HEREBY ORDERED that Defendants
10 shall identify a senior executive – i.e., someone at the deputy chief level or higher – to be
11 responsible for each of the following specific areas:

- 12 1. Internal Affairs, which shall include Tasks 2-7, 16, 33, and 37;
- 13 2. Use of Force and Supervisory Control, which shall include Tasks 18, 20, 24-26, 30,
14 and 35;
- 15 3. Stop Data, which shall include Task 34;
- 16 4. The Personnel Assessment System, which shall include Tasks 40 and 41;
- 17 5. Training, which shall include Tasks 42 and 43; and
- 18 6. Discipline, which shall include Task 45.

19 Defendants shall include the identification of such individuals as part of the joint case
20 management conference statement due on or before **September 9, 2010**. An individual may
21 be designated as the responsible person for more than one of the above six areas, but each
22 area may only have one designated executive.

23 The persons identified by Defendants – along with the Chief of Police, who shall
24 continue to bear ultimate responsibility for the entire Department – shall be responsible for
25 ensuring compliance with all aspects of the respective tasks and may, if it appears warranted
26 under the circumstances, face contempt proceedings in this Court. In addition, the identified
27 personnel shall submit brief weekly written reports discussing the identified individual's
28 personal knowledge of the progress achieved, problems identified, and any other factors

1 relevant to compliance for the tasks in each area during the immediately preceding calendar
2 week (Sunday through Saturday). These reports shall be submitted to the Monitor via
3 electronic mail on each Monday by 12:00 noon, Pacific time, with the first such reports due
4 on **September 27, 2010**. The Court will discuss these reports with the Monitor on a regular
5 basis.

6
7 **IT IS SO ORDERED.**

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9 Dated: 08/31/10



THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT